



Rep. Elizabeth Hernandez

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1 AMENDMENT TO HOUSE BILL 592

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 592 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections  
5 10-22.6, 13A-3, 13A-4, 13A-11, and 34-19 as follows:

6 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

7 Sec. 10-22.6. Suspension or expulsion of pupils; school  
8 searches.

9 (a) To expel pupils guilty of gross disobedience or  
10 misconduct, and no action shall lie against them for such  
11 expulsion. Expulsion shall take place only after the parents  
12 have been requested to appear at a meeting of the board, or  
13 with a hearing officer appointed by it, to discuss their  
14 child's behavior. Such request shall be made by registered or  
15 certified mail and shall state the time, place and purpose of  
16 the meeting. The board, or a hearing officer appointed by it,

1 at such meeting shall state the reasons for dismissal and the  
2 date on which the expulsion is to become effective. If a  
3 hearing officer is appointed by the board he shall report to  
4 the board a written summary of the evidence heard at the  
5 meeting and the board may take such action thereon as it finds  
6 appropriate. An expelled pupil must be immediately transferred  
7 to an alternative program in the manner provided in Article 13A  
8 of this Code, except those pupils expelled under the provisions  
9 of the federal Gun-Free Schools Act of 1994.

10 (b) To suspend or by policy to authorize the superintendent  
11 of the district or the principal, assistant principal, or dean  
12 of students of any school to suspend pupils guilty of gross  
13 disobedience or misconduct, or to suspend pupils guilty of  
14 gross disobedience or misconduct on the school bus from riding  
15 the school bus, and no action shall lie against them for such  
16 suspension. The board may by policy authorize the  
17 superintendent of the district or the principal, assistant  
18 principal, or dean of students of any school to suspend pupils  
19 guilty of such acts for a period not to exceed 10 school days.  
20 If a pupil is suspended due to gross disobedience or misconduct  
21 on a school bus, the board may suspend the pupil in excess of  
22 10 school days for safety reasons. Any suspension shall be  
23 reported immediately to the parents or guardian of such pupil  
24 along with a full statement of the reasons for such suspension  
25 and a notice of their right to a review. The school board must  
26 be given a summary of the notice, including the reason for the

1 suspension and the suspension length. Upon request of the  
2 parents or guardian the school board or a hearing officer  
3 appointed by it shall review such action of the superintendent  
4 or principal, assistant principal, or dean of students. At such  
5 review the parents or guardian of the pupil may appear and  
6 discuss the suspension with the board or its hearing officer.  
7 If a hearing officer is appointed by the board he shall report  
8 to the board a written summary of the evidence heard at the  
9 meeting. After its hearing or upon receipt of the written  
10 report of its hearing officer, the board may take such action  
11 as it finds appropriate. A pupil who is suspended in excess of  
12 20 school days must be immediately transferred to an  
13 alternative program in the manner provided in Article 13A of  
14 this Code.

15 (c) The Department of Human Services shall be invited to  
16 send a representative to consult with the board at such meeting  
17 whenever there is evidence that mental illness may be the cause  
18 for expulsion or suspension.

19 (d) The board may expel a student for a definite period of  
20 time not to exceed 2 calendar years, as determined on a case by  
21 case basis. A student who is determined to have brought one of  
22 the following objects to school, any school-sponsored activity  
23 or event, or any activity or event that bears a reasonable  
24 relationship to school shall be expelled for a period of not  
25 less than one year:

26 (1) A firearm. For the purposes of this Section,

1 "firearm" means any gun, rifle, shotgun, weapon as defined  
2 by Section 921 of Title 18 of the United States Code,  
3 firearm as defined in Section 1.1 of the Firearm Owners  
4 Identification Card Act, or firearm as defined in Section  
5 24-1 of the Criminal Code of 1961. The expulsion period  
6 under this subdivision (1) may be modified by the  
7 superintendent, and the superintendent's determination may  
8 be modified by the board on a case-by-case basis.

9 (2) A knife, brass knuckles or other knuckle weapon  
10 regardless of its composition, a billy club, or any other  
11 object if used or attempted to be used to cause bodily  
12 harm, including "look alikes" of any firearm as defined in  
13 subdivision (1) of this subsection (d). The expulsion  
14 requirement under this subdivision (2) may be modified by  
15 the superintendent, and the superintendent's determination  
16 may be modified by the board on a case-by-case basis.

17 Expulsion or suspension shall be construed in a manner  
18 consistent with the Federal Individuals with Disabilities  
19 Education Act. A student who is subject to suspension or  
20 expulsion as provided in this Section may be eligible for a  
21 transfer to an alternative school program in accordance with  
22 Article 13A of the School Code. The provisions of this  
23 subsection (d) apply in all school districts, including special  
24 charter districts and districts organized under Article 34.

25 (e) To maintain order and security in the schools, school  
26 authorities may inspect and search places and areas such as

1 lockers, desks, parking lots, and other school property and  
2 equipment owned or controlled by the school, as well as  
3 personal effects left in those places and areas by students,  
4 without notice to or the consent of the student, and without a  
5 search warrant. As a matter of public policy, the General  
6 Assembly finds that students have no reasonable expectation of  
7 privacy in these places and areas or in their personal effects  
8 left in these places and areas. School authorities may request  
9 the assistance of law enforcement officials for the purpose of  
10 conducting inspections and searches of lockers, desks, parking  
11 lots, and other school property and equipment owned or  
12 controlled by the school for illegal drugs, weapons, or other  
13 illegal or dangerous substances or materials, including  
14 searches conducted through the use of specially trained dogs.  
15 If a search conducted in accordance with this Section produces  
16 evidence that the student has violated or is violating either  
17 the law, local ordinance, or the school's policies or rules,  
18 such evidence may be seized by school authorities, and  
19 disciplinary action may be taken. School authorities may also  
20 turn over such evidence to law enforcement authorities. The  
21 provisions of this subsection (e) apply in all school  
22 districts, including special charter districts and districts  
23 organized under Article 34.

24 (f) Suspension or expulsion may include suspension or  
25 expulsion from school and all school activities and a  
26 prohibition from being present on school grounds.

1 (g) A school district may adopt a policy providing that if  
2 a student is suspended or expelled for any reason from any  
3 public or private school in this or any other state, the  
4 student must complete the entire term of the suspension or  
5 expulsion in the alternative school program before being  
6 admitted into the school district. ~~This policy may allow~~  
7 ~~placement of the student in an alternative school program~~  
8 ~~established under Article 13A of this Code, if available, for~~  
9 ~~the remainder of the suspension or expulsion.~~ This subsection  
10 (g) applies to all school districts, including special charter  
11 districts and districts organized under Article 34 of this  
12 Code.

13 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10.)

14 (105 ILCS 5/13A-3)

15 Sec. 13A-3. Alternative schools.

16 (a) Except with respect to the Chicago public school system  
17 as provided in Section 13A-11, beginning with the 1996-97  
18 school year, there is hereby created in this State a system of  
19 alternative school education programs. At least one  
20 alternative school program must ~~may~~ be located within each  
21 educational service region or established jointly by more than  
22 one regional office of education to serve more than one  
23 educational service region.

24 (b) Each regional superintendent shall hold a public  
25 hearing, by December 1 of the school year following the

1 effective date of this amendatory Act of 1995, to determine the  
2 need for an alternative school. The hearing shall be held  
3 before the regional board. The regional superintendent, after  
4 consulting with the district superintendent of each school  
5 district located within the regional superintendent's  
6 educational service region and the regional board, shall  
7 determine the location and the need of the alternative school  
8 within that region. In making this determination, the regional  
9 superintendent shall consider the following:

10 (1) the possible utilization of existing buildings,  
11 including but not limited to governmental buildings, that  
12 are, or could reasonably be made, usable as an alternative  
13 school;

14 (2) which available option would be least costly; and

15 (3) distances that administratively transferred  
16 students would need to travel and the costs of that travel.

17 (c) Upon ~~determination of the need for~~ establishment of an  
18 alternative school program, each school district located  
19 within the region shall provide the regional superintendent  
20 with a copy of the district's discipline policy and procedure  
21 for effecting the suspension or expulsion of the students of  
22 that district. Thereafter, the regional superintendent in  
23 cooperation with a representative from each school district in  
24 the region shall establish and each school district in the  
25 region shall adopt policies and procedures that shall guide  
26 each district in the identification and placement of students

1 in the alternative school program.

2 (d) The regional superintendent shall locate the  
3 alternative school program so that it is as far away from any  
4 other school buildings or school grounds in that educational  
5 service region as circumstances permit.

6 (e) With the approval of the State board, additional  
7 alternative school programs may be established in an  
8 educational service region. If the regional superintendent  
9 determines that an additional alternative school is required in  
10 the regional superintendent's educational service region, he  
11 or she may petition the State board to authorize one or more  
12 additional alternative school programs in that region.

13 (f) In determining whether an additional alternative  
14 school program is necessary and appropriate for an educational  
15 service region requesting it, the State board shall consider,  
16 among other factors, the following:

17 (1) the geographic size of the educational service  
18 region and distances that students within that region must  
19 travel in order to attend the existing alternative school  
20 program;

21 (2) the student population of schools comprising the  
22 educational service region and the likely student  
23 population of all alternative school programs within that  
24 region if the petition is granted;

25 (3) any other logistical considerations; and

26 (4) the costs necessitated by establishing an

1 additional alternative school in that educational service  
2 region.

3 (g) In the event the State board grants a petition for an  
4 additional alternative school program, then the State board,  
5 after consulting the regional superintendent, shall decide  
6 where the additional alternative school program shall be  
7 located within that region.

8 (Source: P.A. 89-383, eff. 8-18-95; 89-629, eff. 8-9-96.)

9 (105 ILCS 5/13A-4)

10 Sec. 13A-4. Administrative transfers. A student who is  
11 determined to be subject to suspension or expulsion or who is  
12 suspended or expelled, in the manner provided by Section  
13 10-22.6 (or, in the case of a student enrolled in the public  
14 schools of a school district organized under Article 34, in  
15 accordance with the uniform system of discipline established  
16 under Section 34-19), must ~~may~~ be immediately transferred to  
17 the alternative program. At the earliest time following that  
18 transfer appropriate personnel from the sending school  
19 district and appropriate personnel of the alternative program  
20 shall meet to develop an alternative education plan for the  
21 student. The student's parent or guardian shall be requested to  
22 appear at ~~invited to~~ this meeting. This request must be made by  
23 certified mail or delivered in person and shall state the date,  
24 time, place, and purpose of the meeting. The student may be  
25 invited. The alternative educational plan shall include, but

1 not be limited to all of the following:

2 (1) The duration of the plan, including a date after  
3 which the student may be returned to the regular  
4 educational program in the public schools of the  
5 transferring district. If the parent or guardian of a  
6 student who is scheduled to be returned to the regular  
7 education program in the public schools of the district  
8 files a written objection to the return with the principal  
9 of the alternative school, the matter shall be referred by  
10 the principal to the regional superintendent of the  
11 educational service region in which the alternative school  
12 program is located for a hearing. Notice of the hearing  
13 shall be given by the regional superintendent to the  
14 student's parent or guardian. After the hearing, the  
15 regional superintendent may take such action as he or she  
16 finds appropriate and in the best interests of the student.  
17 The determination of the regional superintendent shall be  
18 final.

19 (2) The specific academic and behavioral components of  
20 the plan.

21 (3) A method and time frame for reviewing the student's  
22 progress.

23 Notwithstanding any other provision of this Article, if a  
24 student for whom an individualized educational program has been  
25 developed under Article 14 is transferred to an alternative  
26 school program under this Article 13A, that individualized

1 educational program shall continue to apply to that student  
2 following the transfer unless modified in accordance with the  
3 provisions of Article 14.

4 (Source: P.A. 89-383, eff. 8-18-95; 89-629, eff. 8-9-96.)

5 (105 ILCS 5/13A-11)

6 Sec. 13A-11. Chicago public schools.

7 (a) The Chicago Board of Education shall ~~may~~ establish  
8 alternative schools within Chicago and may contract with third  
9 parties for services otherwise performed by employees,  
10 including those in a bargaining unit, in accordance with  
11 Sections 34-8.1, 34-18, and 34-49.

12 (b) Alternative schools operated by third parties within  
13 Chicago shall be exempt from all provisions of the School Code,  
14 except provisions concerning:

15 (1) Student civil rights;

16 (2) Staff civil rights;

17 (3) Health and safety;

18 (4) Performance and financial audits;

19 (5) The Illinois Goals Assessment Program;

20 (6) Chicago learning outcomes;

21 (7) Sections 2-3.25a through 2-3.25j of the School  
22 Code;

23 (8) The Inspector General; and

24 (9) Section 34-2.4b of the School Code.

25 (Source: P.A. 89-383, eff. 8-18-95; 89-636, eff. 8-9-96.)

1 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

2 Sec. 34-19. By-laws, rules and regulations; business  
3 transacted at regular meetings; voting; records. The board  
4 shall, subject to the limitations in this Article, establish  
5 by-laws, rules and regulations, which shall have the force of  
6 ordinances, for the proper maintenance of a uniform system of  
7 discipline for both employees and pupils, and for the entire  
8 management of the schools, and may fix the school age of  
9 pupils, the minimum of which in kindergartens shall not be  
10 under 4 years, except that, based upon an assessment of the  
11 child's readiness, children who have attended a non-public  
12 preschool and continued their education at that school through  
13 kindergarten, were taught in kindergarten by an appropriately  
14 certified teacher, and will attain the age of 6 years on or  
15 before December 31 of the year of the 2009-2010 school term and  
16 each school term thereafter may attend first grade upon  
17 commencement of such term, and in grade schools shall not be  
18 under 6 years. It may expel, suspend or, subject to the  
19 limitations of all policies established or adopted under  
20 Section 14-8.05, otherwise discipline any pupil found guilty of  
21 gross disobedience, misconduct or other violation of the  
22 by-laws, rules and regulations. An expelled pupil must be  
23 immediately transferred to an alternative program in the manner  
24 provided in Article 13A of this Code, except those pupils  
25 expelled under the provisions of the federal Gun-Free Schools

1 Act of 1994. A pupil who is suspended in excess of 20 school  
2 days must be immediately transferred to an alternative program  
3 in the manner provided in Article 13A of this Code. The bylaws,  
4 rules and regulations of the board shall be enacted, money  
5 shall be appropriated or expended, salaries shall be fixed or  
6 changed, and textbooks, electronic textbooks, and courses of  
7 instruction shall be adopted or changed only at the regular  
8 meetings of the board and by a vote of a majority of the full  
9 membership of the board; provided that notwithstanding any  
10 other provision of this Article or the School Code, neither the  
11 board or any local school council may purchase any textbook for  
12 use in any public school of the district from any textbook  
13 publisher that fails to furnish any computer diskettes as  
14 required under Section 28-21. Funds appropriated for textbook  
15 purchases must be available for electronic textbook purchases  
16 and the technological equipment necessary to gain access to and  
17 use electronic textbooks at the local school council's  
18 discretion. The board shall be further encouraged to provide  
19 opportunities for public hearing and testimony before the  
20 adoption of bylaws, rules and regulations. Upon all  
21 propositions requiring for their adoption at least a majority  
22 of all the members of the board the yeas and nays shall be  
23 taken and reported. The by-laws, rules and regulations of the  
24 board shall not be repealed, amended or added to, except by a  
25 vote of 2/3 of the full membership of the board. The board  
26 shall keep a record of all its proceedings. Such records and

1 all by-laws, rules and regulations, or parts thereof, may be  
2 proved by a copy thereof certified to be such by the secretary  
3 of the board, but if they are printed in book or pamphlet form  
4 which are purported to be published by authority of the board  
5 they need not be otherwise published and the book or pamphlet  
6 shall be received as evidence, without further proof, of the  
7 records, by-laws, rules and regulations, or any part thereof,  
8 as of the dates thereof as shown in such book or pamphlet, in  
9 all courts and places where judicial proceedings are had.

10 Notwithstanding any other provision in this Article or in  
11 the School Code, the board may delegate to the general  
12 superintendent or to the attorney the authorities granted to  
13 the board in the School Code, provided such delegation and  
14 appropriate oversight procedures are made pursuant to board  
15 by-laws, rules and regulations, adopted as herein provided,  
16 except that the board may not delegate its authorities and  
17 responsibilities regarding (1) budget approval obligations;  
18 (2) rule-making functions; (3) desegregation obligations; (4)  
19 real estate acquisition, sale or lease in excess of 10 years as  
20 provided in Section 34-21; (5) the levy of taxes; or (6) any  
21 mandates imposed upon the board by "An Act in relation to  
22 school reform in cities over 500,000, amending Acts herein  
23 named", approved December 12, 1988 (P.A. 85-1418).  
24 (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10.).